

# Winchester Dam is the Most Dangerous Dam in Oregon

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expects loss of human life to occur if the dam fails." OWRD requires "high hazard" dams to be inspected annually. OWRD told Winchester Water Control District (WWCD) that "consideration must be given to a permanent dam, the existing wooden dam being considered as temporary in nature and either reconstruction or removal of the dam would be necessary." WWCD was instructed to "inspect the dam on a semiannual basis, once a year with the water drawn down."

That was nearly 50 years ago, WWCD president Ryan Beckley and its board of directors have skirted OWRD's requirement by hiring contractors to examine the dam without lowering the water spilling over its top, it's impossible to inspect a dam until the water level is lowered to expose its leaking structure. Despite these legal requirements, Winchester Dam was only drained and its leaking structure inspected by the OWRD three times in 47 years, in 1976, 1987, and 2013. Each inspector reported serious deficiencies and a need for annual inspections. But the dam hadn't had a comprehensive structural inspection since 1987, when it was determined that 10% of the dam wall was leaking.

After the 2013 inspection, OWRD found the dam's up slope, crest and down slope were described as "urgent dam safety issues - action now." It went on to say that "The dam's condition rating has been downgraded to poor and may be downgraded further to unsatisfactory if the dam safety issues are not addressed in the very near future." The OWRD nor WWCD has taken any action to protect the downstream residents and the general public in 10 years.

In 2019, ODFW ranked Winchester Dam and its fish ladder the 26th worst out of 590 migratory fish passage barriers in Oregon in accordance with a state law (ORS 509.585(3)). This statute requires ODFW to update the ranking of barriers to migratory fish passage in Oregon's streams and rivers every five years. Winchester Dam and its fish ladder will move up into the top 10 barriers to migratory fish passage when the new list is released in 2024. The Winchester Dam's wooden lip and its height of 17-feet effectively prevent fish from jumping over. Consequently, Winchester Dam is now the ODFW second highest priority for fish passage improvement among all privately owned dams in the state. But in direct contradiction of ODFW's Fish Passage Task Force findings, their Senior Biologist Greg Huchko, ODFW's top official in the Umpqua District, is repeatedly quoted by local media stating that in his opinion, the dam is merely "delaying fish migration." Consequently, Huchko's opinions are repeatedly quoted by WWCD in their permit applications to repair the Winchester Dam. This is at odds with the ODFW, who has repeatedly stated that Winchester Dam impedes access to 160 miles of high-quality cold-water habitat for salmon, trout, and lampreys upstream.

In 2018, those state agencies slapped WWCD's previous contractor, Basco Logging, Inc., owned by WWCD board member Juan Yraguen, with a \$58,378 fine for pouring pollutants and cement into the river that entered the public drinking water system and killed a lot of lampreys, steelhead, and salmon.

On January 27, 2020, Yraguen was informed that DEQ issued a penalty, because his activities resulted in the discharge of sediment and wet (or "green") concrete to the river, degrading aquatic habitat and killing numerous threatened Coho and other sensitive species and fish. These incidents also negatively affected the quality of the primary drinking water source for two community water systems. City of Roseburg and Umpqua Basin Water Association, serving approximately 37,700 people (28,800 and 8,900, respectively). Yraguen appealed the fine and inexplicably, DEQ lowered it from \$58,378 to \$19,517.

Back in 1994 the OWRD determined that WWCD was illegally storing 91-acre-feet of river water in excess of their 1910 allotted water rights of 300-acre feet. 30 years later in November 2022, a coalition of 17 organizations, including WaterWatch of Oregon, Pacific Coast Federation of Fisherman's Associations, Institute for Fisheries Resources, and Steamboaters formally requested OWRD conduct a bathymetric survey to confirm WWCD's illegal water storage. OWRD instead agreed to amend WWCD's 1910 water storage rights from 300-acre feet to 391-acre feet, thereby accommodating the extra 91-acre-feet of water WWCD had illegally stored for decades. This increases the volume of water, and by extension, the

enormous pressure, behind the dilapidated, long-ago condemned dam face which, according to OWRD, can only be "considered as temporary in nature." Keep in mind OWRD's condemnation of Winchester Dam half a century ago and rating it a "high hazard", meaning "the department expects loss of human life if the dam fails." The WWCD and the state agencies failed to remove the condemned Winchester Dam, as was deemed prudent, appropriate, and wise, nearly half a century ago.

In 2021, WWCD members voted to approve a \$3 million bond levy to "finance the repair of Winchester Dam" and to "pay fines, penalties, judgements, legal fees and other costs related to the Winchester Dam" and to "refinance existing indebtedness." The bond was passed in their own private district.

In August 2023, WWCD president Ryan Beckley said that he personally designed this dam repair project as a "permanent solution, a fix for 100 years to come". But the repairs endangered the native fish on the downstream side of the Winchester Dam, so that on August 9, 2023, about 50 to 60 representatives of state agencies rushed to the dam to rescue stranded and dying fish.

"[WWCD] has been trying to run this dam, cheap, for years and years..." wrote Jim McCarthy of WaterWatch of Oregon, a nonprofit organization that protects and restores Oregon rivers. "These people can't be trusted to own a dam." According to McCarthy, Ryan Beckley has "never repaired a dam before in his life." If Beckley really did design the dam repair project, as he claims, this may be a violation of state statutes regarding the practice of engineering intended to protect public safety. Jim McCarthy explained: According to his candidate form filed with the county when he ran for the Winchester Water Control District Board, Mr. Beckley does not have an engineering degree. According to the form, he left high school at the 11th grade and did not receive a diploma.

The dam repair plan was, in fact, designed by engineers at Dickinson, Oswald, Walch, and Lee (DOWL). They told regulators repairs would be much more limited than what Beckley claims. In an April 4, 2023, DOWL technical memo to state dam safety officials the repairs would be "to the minimum extent necessary to eliminate known and reasonably anticipated dam safety deficiencies at the dam."

WWCD president Ryan Beckley awarded the contract for repairs to TerraFirma Foundation Systems, a company he owns. TerraFirma's trucking division, headquartered in Roseburg, Oregon, has racked up over forty trucking violations, including disciplinary action by Oregon Construction Contractors Board, cited and fined by Federal Motor Carrier Safety Administration and several "serious" OSHA safety violation citations and fines in 2018 and 2019.

The Winchester Dam presents an increasing danger to downstream residents. According to WaterWatch of Oregon "there are many holes through the dam's face and under its foundation" including "eroded concrete" and "exposed rebar." During previous repairs to the Winchester Dam, WWCD contractors installed hundreds of pressure-treated 2 x 12" boards 50-feet upstream of the drinking water supply for 37,700 residents, the use of which is prohibited in contact with public drinking water. They also installed creosote-treated wooden railroad ties, a "probable human carcinogen" prohibited "for use in contact with food, feed, or drinking water." The pressure-treated wooden planks installed during the 2013 repairs to the Winchester Dam immediately

began leaking toxins into the downstream drinking water supply.

Due to the likelihood of life-threatening disaster if the dam failed, the OWRD ordered WWCD to update their Emergency Action Plan (EAP). Oregon statute OAR 690-020-0400(4) requires EAPs to be updated annually, but the WWCD hadn't updated their EAP since 1987. Under pressure from the OWRD and dozens of local organizations, after 34 years of stonewalling, WWCD finally updated their EAP. But there are no safety rope buoys or signs warning boaters and swimmers upstream to stay away from the imminent danger presented by the Winchester Dam. Last year, two women were paddle boarding upstream of the dam. Due to the higher-than-normal water levels, they found themselves clinging to the rim of the dam with their bare hands until they no longer had the strength to fight the current and were swept over the dam's precipice. Both women were injured in the subsequent 17-foot fall, and one was hospitalized.

The defunct Winchester Dam hasn't produced hydroelectricity for many years. It offers no flood control or irrigation. Its sole purpose is to provide a private water ski lake for the exclusive "recreational" use of the 99 property owners in the WWCD, at the exclusion of the public. So, the WWCD itself is, an illegal organization according to Oregon law. Oregon Revised Statute 553.020 specifically requires all water control districts in the State of Oregon to provide a public purpose such as hydroelectricity, irrigation, or flood control. The same statute makes it perfectly clear that "recreation" is not a public purpose. Meanwhile, Douglas County real estate brokers continue to advertise multi-million-dollar WWCD properties as having their own private water ski lake.

The WWCD hedges the permitting process for dam repair by deliberately taking no action for years until the problem becomes "an emergency." Emergency repairs do not require permits. Haphazard and careless repairs were made by contractors with no qualifications or previous experience in dam repair. It is now documented that WWCD failed to disclose to regulators that during previous emergency repairs WWCD knowingly released sediment stored behind the dam into endangered salmon habitat and into public drinking water supplies. WWCD's ongoing pattern of non-compliance of state and federal laws, and ongoing mismanagement of the Winchester Dam, has served to galvanize a bipartisan coalition of neighbors, fishermen, conservationists, and whitewater groups, who now call for the permanent removal of the dam.



On August 7, 2023, Ryan Beckley drained the private lake behind the Winchester Dam to begin three weeks of repairs as originally ordered by the ODFW in 2019. The permit specified that the water level would be lowered at a rate of no more than two inches per hour to minimize disturbance to the aquatic habitat. Witnesses report that it was drained

at midnight at two feet per hour, exponentially faster than permitted, devastating downstream fish habitat, impeding fish migration, and making the dam an even more insurmountable barrier for fish. This resulted in the killing of what Shaun Clements, acting director of the ODFW called "hundreds of thousands" of lampreys in what is now recognized as the largest fish kill on an Oregon river in 2023.

Also in violation of his permit, Beckley built a roadbed for his heavy equipment, made out of used car tires, right through the riverbed. Tires contain a chemical called 6PPD, an antioxidant and antiozonant that helps prevent the degradation rubber compound which is instantaneously lethal to Coho [salmon].

The highly toxic pressure-treated and the creosote-treated wood used in previous repairs to Winchester Dam was exposed during the August 2023 repairs, but not removed. Taxpayers picked up the tab for a specially designed \$50,000 lamprey fish ramp installed at the Winchester Dam in 2013. During the August 2023 dam repairs, along with the fish ladder, this ramp was shut down so fish passage was blocked for over four weeks when the private water ski lake above the dam was drained. When the dams were removed on the Rogue River in neighboring Curry County, the same Curt Melcher, Director of the ODFW refused to allow the fish ladders to be shut down or fish passage blocked for even one minute. During wildfire season in the hottest summer on record, WWCD's private water ski lake was drained. The permit required WWCD to implement a comprehensive strategy to salvage fish stranded or isolated fish both upstream, and downstream of the dewatered dam. But according to Jeffrey Dose, a retired fish biologist with 31 years of experience in the Umpqua River Basin, this did not occur. "Tens of thousands of juvenile Pacific lamprey were also dewatered," said Dose, "and suffered extensive mortality. The WWCD, failed miserably." He called Ryan Beckley's and WWCD's conduct "reprehensible and predictable." On August 9, 2023, 48 hours after the draining of the private water ski lake, dozens of state, federal, and tribal entities attempted to rescue juvenile Pacific lamprey that were trapped behind the drained dam wall, even though Beckley's permit specifically stated that this was WWCD's responsibility. The 109° temperature of August 14, 2023, sealed the fate of any remaining trapped fish.

Throughout the repair process, Ryan Beckley has made modifications to the dam repair plan that were not approved in his permit. ODFW inspectors are stamping their approval to each noncompliant phase of Beckley's construction. Things that should have been included in the ODFW's permit approval but were not. "I am extremely disappointed in the current situation at Winchester Dam," said Kirk Blaine, president of Steamboaters and Southern Oregon and southern Oregon coordinator for the Native Fish Society. "ODFW knew this would happen and they said yes for the convenience of the landowners who want to maintain their private water ski lake at the lowest cost possible."

It is hard to believe that this has gone so long and the why it still persists is food for another look at some of the rfolks who are facilitating it.

## Dam History

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the summer of 1961, the Pacific Power & Light Company acquired COPCO and the outdated Winchester Dam. In December 1964, floods caused \$500 million in damages statewide and many bridges and dams were damaged. The powerhouse at Winchester Dam was flooded. By this time it was so out-of-date, in 1965 Pacific Power & Light abandoned it rather than rebuild and update the facility.

In 1969, for the sale price of one-dollar, Pacific Power & Light Company transferred ownership of the Winchester Dam and the surrounding property to its present owner, the Winchester Water Control District (WWCD). WWCD was formed by the property owners who lived close to the Winchester Dam site, solely for recreational purposes.

